

**In the United States Bankruptcy Court**  
**for the Northern District of Georgia**  
**Atlanta Division**

**In Re:**

**Marisa Nicole Digh,  
fka Marisa Nicole Henderson**

**Debtor.**

**Bankruptcy No. 15-66716-bem**

**Chapter 7**

**Judge Ellis-Monro**

**Marisa Nicole Digh,  
fka Marisa Nicole Henderson  
Movant,**

**VS.**

**1st Franklin Financial,**

**Respondent.**

**In Proceedings Under  
Chapter 7 of the  
Bankruptcy Code**

**NOTICE OF REQUIREMENT OF RESPONSE TO MOTION TO AVOID JUDICIAL LIEN ON  
EXEMPT PROPERTY AND OF TIME TO FILE SAME**

NOTICE IS HEREBY GIVEN that a Motion to Avoid a Judicial Lien on exempt property pursuant to 11 U.S.C. Section 522 has been filed in the above-styled case on December 15, 2015.

NOTICE IS FURTHER GIVEN that, pursuant to BLR 6008-2, the Respondent must file a response to the Motion within 21 days after service, exclusive of the day of service, and serve a copy of same on Movant. In the event that no response is timely filed and served, then the Bankruptcy Court may enter an order granting the relief sought.

DATED AND SERVED: December 15, 2015.

SHANNON D. SNEED & ASSOCIATES, P.C.

By: s/Shannon D. Sneed  
SHANNON D. SNEED  
Ga. Bar No. 665610  
Attorney for Movant

SHANNON D. SNEED & ASSOCIATES, P.C.  
Attorneys at Law  
P.O. Box 1245, 2112 Lee Street  
Covington, GA 30015  
(770)788-0011

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Chapter 7 of the  
Bankruptcy Code**

**MOTION TO AVOID JUDICIAL LIEN**

COMES NOW, **Marisa Nicole Digh**, the Debtor in this bankruptcy case, by and through counsel, and files this Motion to Avoid Judicial Lien pursuant to 11 U.S.C. § 522(f)(1) and shows this Court as follows:

1.

Respondent **1st Franklin Financial** is a Georgia Corporation and may be served through their registered agent Ben F. Cheek III (See exhibit "A" attached).,

2.

Respondent **1st Franklin Financial** obtained a judgment against Debtor in the approximate amount of \$1678.40 in the Magistrate Court of Newton County, and the amount of that judgment lien on the petition filing date was \$1678.40, plus any interest that has accrued since the date of judgment. The judgment lien was dated 7-28-2015, and the fifa evidencing the judgment lien was filed for record 7-30-2015 in GED Book 189, Page 558, Newton County Superior Court.

3.

Debtor has claimed as exempt the property described on Debtor's Schedule C filed with the Clerk and described below. The amount of the exemption and the value of the Debtor's interest in the exempt property as of the petition date are stated below.

| Property               | Exemption Amount | Value on Petition Date |
|------------------------|------------------|------------------------|
| 1. Checking account    | \$55             | \$55                   |
| 2. HHG and furnishings | \$2,575          | \$2,575                |
| 3. Clothing            | \$500            | \$500                  |
| 4. Jewelry             | \$450            | \$450                  |
| 5. Taurus .380 pistol  | \$300            | \$300                  |
| 6. 2008 Altima         | \$5500           | \$5500                 |
| 7. 2001 Tahoe          | \$4000           | \$4000                 |
| 8. 2008 Honda Accord   | \$1500           | \$1500                 |

4.

Pursuant to 11 U.S.C. § 522(f)(2), Respondent's lien impairs the exemption claimed by Debtor in the property identified above to the extent that the sum of (i) the amount of Respondent's lien, (ii) all other liens on the property described above and (iii) the amount of the exemption that Debtor could claim if there were no liens on the property exceeds the value that Debtor's interest in the property would have in the absence of any liens.

Wherefore, Debtor is entitled to the entry of an order avoiding Respondent's judicial lien against the exempt property described above to the extent of \$4116.09, plus any interest that has accrued since the date of judgment, and Debtor prays that this Court grant same.

Respectfully Submitted,

SHANNON D. SNEED & ASSOCIATES, P.C.

By: s/Shannon D. Sneed  
SHANNON D. SNEED, Ga. Bar No. 665610  
Attorney for Movant

SHANNON D. SNEED & ASSOCIATES, P.C.  
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Covington, GA 30015  
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Exhibit "A"



GEORGIA  
CORPORATIONS DIVISION

GEORGIA SECRETARY OF STATE  
BRIAN P. KEMP

[HOME \(/\)](#)

**BUSINESS SEARCH**

BUSINESS INFORMATION

|                              |  |   |                          |
|------------------------------|--|---|--------------------------|
| Business Name:               | <b>1ST FRANKLIN<br/>FINANCIAL<br/>CORPORATION</b>  | Control Number:                           | <b>J316716</b>           |
| Business Type:               | <b>Domestic Profit<br/>Corporation</b>             | Business Status:                          | <b>Active/Compliance</b> |
| Business Purpose:            |  |   |                          |
| Principal Office<br>Address: | <b>P O BOX 880,<br/>TOCCOA, GA,<br/>30577-0880</b> | Date of Formation /<br>Registration Date: | <b>7/1/1946</b>          |
| State of Formation:          | <b>Georgia</b>                                     | Last Annual<br>Registration Year:         | <b>2015</b>              |

REGISTERED AGENT INFORMATION

|                           |  |
|---------------------------|--|
| Registered Agent<br>Name: | <b>BEN F CHEEK III</b>                                       |
| Physical Address:         | <b>135 EAST TUGALO ST., Stephens, TOCCOA, GA, 30577, USA</b> |

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CERTIFICATE OF SERVICE

I, SHANNON D. SNEED, of Shannon D. Sneed & Associates, P.C., certify:  
That I am, and at all times hereinafter mentioned was, more than 18 years of age;  
That on the 15<sup>th</sup> day of December, 2015, I served a copy of the within and foregoing  
filed in this bankruptcy matter, on the following:

Jason L. Pettie  
Trustee in Bankruptcy  
Suite 150 – One Decatur Town Center  
150 E. Ponce de Leon Avenue  
Decatur, GA 30030

Ben F. Cheek III  
Registered Agent for Respondent  
135 East Tugalo Street  
Toccoa, GA 30577

by depositing a copy of same in the U.S. Mail in a properly addressed envelope with  
adequate postage affixed thereon.

This 15<sup>th</sup> day of December, 2015.

SHANNON D. SNEED & ASSOCIATES, P.C.

By: s/Shannon D. Sneed  
SHANNON D. SNEED, Ga. Bar No. 665610  
Attorney for Movant

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